

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

DAVID DANIELS

PLAINTIFF

v.

Civil No. 06-5205

SHERIFF KEITH FERGUSON;
CAPTAIN PETRAY; LT. CARTER;
SGT. FAULKENBURY; and SGT. NANCE

DEFENDANTS

ORDER

On February 26, 2007, the plaintiff filed a motion requesting that the court order his transfer from the Benton County Detention Center (BCDC) to the Washington County Detention Center (Doc. 29). Plaintiff contends he is being verbally harassed by officers at the BCDC and is on lock-down without a bedroll, a towel to take a shower, access to the phone, and without visitation privileges.

On March 13, 2007, the plaintiff filed a motion asking the court to order his transfer to a mental health facility (Doc. 31). Plaintiff states several family members have passed away and he does not have the emotional capacity to deal with the loss while being locked in his cell twenty-four hours a day. Moreover, plaintiff asserts he is being denied necessary medications.

The motions (Doc. 29 & Doc. 31) are denied. This court does not ordinarily interfere with where state, county, or local authorities decide to house their prisoners or with the daily aspects of conditions under which detainees are confined. Moreover, the court notes the plaintiff is no longer incarcerated at the BCDC. Plaintiff has been transferred to the East Arkansas Regional Unit of the Arkansas Department of Correction.

On March 13, 2007, Daniels filed a motion for jury trial (Doc. 33). The court notes Daniels made a timely demand for jury trial. *See* (Doc. 2). Accordingly, his demand is noted on the docket sheet. The motion for jury trial is therefore denied as moot.

On April 20, 2007, the plaintiff filed a motion for a hearing (Doc. 46) on his motions for temporary restraining order. The motion for a hearing is denied. The undersigned will issue a report and recommendation on the motions for temporary restraining order.

IT IS SO ORDERED this 4th day of May 2007.

/s/ *J. Marschewski*

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE